

Translation

PATENT COOPERATION TREATY

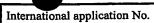


PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International						
VCstsF1578/1	FOR FURTHER ACT	Preliminary I	Examination Report (Form PCT/IPEA/416)				
International application No.	International filing date		Priority date (day/month/year)				
PCT/FR2003/003335 07 novembre 2003 (07.11.2003) 08 novembre 2002 (08.11.2002)							
International Patent Classification (IPC) or national classification and IPC C07H 15/18							
Applicant TS PHARMA							
 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 							
2. This REPORT consists of a total of4 sheets, including this cover sheet.							
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).							
These annexes consist of a total of sheets.							
This report contains indications relating to the following items:							
I Basis of the report							
II Priority	II Priority						
III Non-establishment	of opinion with regard to 1	novelty, inventive st	ep and industrial applicability				
IV Lack of unity of inv	Tools of surjets of instantion						
V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
VI Certain documents	Contain degreements sited						
VI Certain defects in the international application							
VII Certain observations on the international application							
···							
Date of submission of the demand		Date of completion	of this report				
02 juin 2004 (02.06.2	2004)	04 F	ebruary 2005 (04.02.2005)				
Name and mailing address of the IPEA/EP		Authorized officer					
Facsimile No.		Telephone No.					



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I. Basis	I. Basis of the report							
1. With regard to the elements of the international application:*								
	the inter	national application as originally filed						
	the desc	ription:						
	pages _	1-35	, as originally filed					
	pages		, filed with the demand					
	pages _	es, filed with the letter of						
\boxtimes	the clain	ns:						
	pages	1-14	, as originally filed					
	pages	, as amended (together with	any statement under Article 19					
	pages		, filed with the demand					
	pages	, filed with the letter of						
\boxtimes	the drav	vings:						
		1-13	, as originally filed					
	pages		, filed with the demand					
	pages	, filed with the letter of						
	the seave	nce listing part of the description:						
	pages	NOW ADMINIS PLEATED TO THE CONTRACT OF THE CON	as originally filed					
	pages							
	pages	, filed with the letter of	•					
the i The:	regard to the language, all the elements marked above were available or furnished to this Authority in the language international application was filed, unless otherwise indicated under this item. See elements were available or furnished to this Authority in the following language the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). The language of publication of the international application (under Rule 48.3(b)). The language of the translation furnished for the purposes of international preliminary examination (under Rule or 55.3). The regard to any nucleotide and/or amino acid sequence disclosed in the international application, the in iminary examination was carried out on the basis of the sequence listing: contained in the international application in written form.							
-	filed together with the international application in computer readable form.							
	1	ned subsequently to this Authority in written form. The subsequently to this Authority in computer readable form.						
	The st	tatement that the subsequently furnished written sequence listing does not go the subsequently furnished.	beyond the disclosure in the					
	The st	atement that the information recorded in computer readable form is identical to the urnished.	ne written sequence listing has					
4.	The an	the claims, Nos the drawings, sheets/fig						
5.	This re	port has been established as if (some of) the amendments had not been made, since the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**	hey have been considered to go					
in t	 Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70. and 70.17). 							
		nent sheet containing such amendments must be referred to under item $ 1 $ and annexed $ t $	o this report.					

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7.	Reasoned statement under Article 35(2) with regard to	novelty, inventive step or industrial applicability;
	citations and explanations supporting such statement	

			
Statement			
Novelty (N)	Claims	1-14	YES
11010119 (11)	Claims		NO NO
7 (*	Claims	1-14	YES
Inventive step (18)	_		NO
	_	1-14	NAME O
Industrial applicability (IA)	Claims	7 74	YES
	Claims		NO NO
	Novelty (N) Inventive step (IS)	Novelty (N) Claims Claims Inventive step (IS) Claims Claims Claims Claims	Novelty (N) Claims Inventive step (IS) Claims Claims Claims Industrial applicability (IA) Claims 1-14 1-14 1-14

Citations and explanations

Reference is made to the following document:

D1: O.Ouari et al. J. Org. Chem. 64 (1999) 3554-3556

D1, which is considered the prior art closest to the subject matter of claims 1 to 14, describes an amphiphilic derivative of α -C-phenyl-N-tert-butyl nitrone.

Therefore the subject matter of claims 1 to 14 differs from this known subject matter in that it concerns compounds as in D1 with the tert-butyl modified.

Consequently the subject matter of claims 1 to 14 is novel (PCT Article 33(2)).

The problem addressed by the present invention can thus be considered that of synthesising alternative compounds intended to prevent or treat diseases associated with oxidative stress.

The solution to this problem proposed in claims 1 to 14 of the present application is considered to involve an inventive step (PCT Article 33(3)) for the following

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reasons:

In light of D1, it is not obvious for a person skilled in the art to use the derivatives as in claims 1 to 14 to solve the problem of interest. Moreover, the synthesis of the D1 derivative presents problems which make its production on an industrial scale difficult to imagine (page 4 of the description).